

TRANSITPERSUINST 1600.1A
Code 01
26 Mar 03

TRANSIENT PERSONNEL UNIT PUGET SOUND INSTRUCTION 1600.1A

Subj: NONPUNITIVE ADMINISTRATIVE MEASURES

Ref: (a) OPNAVINST 3120.32C (series)
(b) JAGMAN Section 0102, 0103 and 0104

Encl: (1) Nonpunitive Letter of Caution
(2) Assignment of Extra Military Instruction

1. Purpose. To promulgate procedures to be followed in implementing Nonpunitive Administrative Measures at Transient Personnel Unit Puget Sound.

2. Cancellation. TPUPUGETINST 1600.1.

3. Definition. The term "nonpunitive measure" is used to refer to various leadership techniques that may be used to develop acceptable behavioral standards in members of the command and to effectively deal with minor disciplinary problems. Nonpunitive measures generally fall into three areas: Nonpunitive censure, extra military instruction and administrative withholding of privileges. "Nonpunitive censure" occurs when a superior criticizes a subordinate, orally or in writing. "Extra Military Instruction (EMI)" is defined as instruction in a phase of military duty in which an individual is deficient, and is intended for and directed toward the correction of that deficiency. The assignment of EMI must be related to the deficiency in performance. A "privilege" is defined as a benefit, advantage, or favor provided for the convenience or employment of an individual. Nonpunitive measures **may not** be used as a means of informal punishment for any military offense.

4. Nonpunitive Censure.

a. A nonpunitive censure is a statement of adverse opinion or criticism of an individual's conduct or performance of duty expressed by a superior in the member's chain of command. Censure does not include adverse comments in reports of fitness or performance evaluations, letters of instruction or administrative remarks documenting matters such as counseling.

b. Nonpunitive censure may be either oral or in writing. A sample nonpunitive letter is provided in enclosure (1). A nonpunitive letter is not considered punishment; rather the letter is issued to remedy a noted deficiency in conduct or performance of duty.

c. A nonpunitive letter will be kept as a personal matter between the member and the superior issuing the nonpunitive letter. The fact that a nonpunitive letter was issued may not be mentioned in the member's fitness report or evaluation, however the underlying facts of the letter may be included.

5. Extra Military Instruction.

a. Authority to assign EMI that is to be performed during normal working hours is not limited to any particular rank or rate. It is an inherent part of that authority over their subordinates, which is vested in officers and petty officers in connection with duties and responsibilities assigned to them. This authority to assign EMI that is to be performed during normal working hours may be withdrawn by any superior if warranted.

b. Authority to assign EMI to be performed after normal working hours is vested in the Commanding Officer but is delegated with the following limits on total hours assigned:

<u>Personnel making EMI Assignment</u>	<u>Hours Assigned</u>
Commanding Officer	16
Executive Officer	12
Department Heads/Division Officers	8
Section Leaders/LPO's	4

c. Extra Military Instruction shall be assigned, when appropriate, within the following limitations:

(1) EMI must be logically related to the deficiency in performance for which it was assigned. For example, an individual who is late may be required to write a paper on time management.

(2) EMI normally will not be conducted for more than two hours per day.

(3) EMI may be conducted only at a reasonable time outside normal working hours or during working hours.

(4) EMI will not be conducted over a period that is longer than necessary to correct the performance deficiency for which it was assigned.

(5) EMI cannot be conducted on the member's Sabbath.

(6) EMI will not be used for the purpose of depriving the member of normal liberty. A member who is otherwise entitled to liberty may commence normal liberty each day upon completion of EMI.

d. EMI will be documented using enclosure (2) and be retained by the individual's Department Head. For transient personnel, enclosure (1) will be filed in the member's TPU status file upon discharge or departure from TPU.

6. Administrative Withholding of Privileges.

a. A privilege is a benefit, advantage or favor provided for the convenience or enjoyment of the individual. Examples of privileges that may be temporarily withheld as administrative corrective measures are: Special liberty, exchange of duty, special command programs, access to the base library, movie theater or enlisted clubs, and commissary/exchange privileges.

b. In all instances, unless properly delegated, final authority to withhold a privilege, however, temporary, must ultimately rest with the level of authority empowered to grant that privilege.

c. Deprivation of normal liberty as a punishment, except as specifically authorized under the UCMJ, is illegal. However, it is not a punishment when individuals of the command are required

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to remain at work and be physically present outside normal working hours for work assignments that should have been completed during normal working hours, for the accomplishment of additional essential work or for the achievement of the currently required level of operational readiness.

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D. R. MONROE

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5800
Ser 30/

From: Commanding Officer, Transient Personnel Unit Puget Sound
To:

Subj: NONPUNITIVE LETTER OF CAUTION - SAMPLE

Ref: (a)
(b) Manual for Courts-Martial (2000 Edition)
(c) JAGMAN, Section 0105

1. Reference (a) consists of a report and disposition of offenses/incident report dated _____. It alleges that you assaulted another servicemember on the body with your hands.

2. The investigation encompassed in reference (a) alleges that you became engaged in a mutual combat with another servicemember and assaulted her by unlawfully striking her with your hands. It has been determined that this matter should be disposed of by issuance of a nonpunitive letter of caution. Furthermore, the following corrective action is directed:

- a. Attend Anger/Stress Management.
- b. DAPA Screening

3. Your judgment and actions on _____ were substantial deviations from the required conduct of a First Class Petty Officer. Your behavior was clearly inappropriate. According to a review of your record and comments by your chain of command, this incident is clearly inconsistent with your usual outstanding conduct. You are expected to set the example for your peers and subordinates. As such, I expect you to exercise greater care concerning your personal conduct in order to measure up to the high standards expected of a First Class Petty Officer while attached to Transient Personnel Unit Puget Sound. Accordingly, you are hereby administratively admonished for your actions on _____, pursuant to references (a) and (b).

Enclosure (1)

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Subj: NONPUNITIVE LETTER OF CAUTION - SAMPLE

4. This letter is nonpunitive in nature and is addressed to you as a corrective measure. It will not become part of your official record. I trust the instructional benefit you receive from this experience will heighten your awareness of your responsibilities and help you become an even more exemplary First Class Petty Officer.

D. R. MONROE

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ASSIGNMENT OF EXTRA MILITARY INSTRUCTION - SAMPLE

From:

To:

Subj: ASSIGNMENT OF EXTRA MILITARY INSTRUCTION (EMI)

Ref: (a) OPNAVINST 3120.32C
(b) JAGMAN Section 0103

1. Pursuant to references (a) and (b), you are hereby notified that the following deficiency/behavior has been noted in your military performance, to wit:

2. You are hereby assigned to perform EMI for a period of ____ hours. Your EMI will commence on _____ and will end on _____. You will report to _____ for commencement of your EMI. EMI will be performed from 1800-2000 hours, Monday through Friday, and from 0900-1100 on Saturday or Sunday, whichever day is not your Sabbath. EMI will not be performed on your Sabbath, which is _____.

3. Your extra military instruction shall consist of:

4. Extra Military Instruction is not punishment, but is intended to correct a military deficiency/behavior. However, failure to comply with these orders may result in disciplinary action taken against you.

Recommended: _____ Approved: _____

I hereby acknowledge receipt of the above orders.

Member: _____

Enclosure (2)